

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 05/03/2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE APPLICATION OF SERGIO GERSZTEIN

REQUEST FOR DISCOVERY PURSUANT TO
28 U.S.C. § 1782

Civil Action No. 22-MC-122

ORDER GRANTING RELIEF PURSUANT TO 28 U.S.C. § 1782

This Court having received the *ex parte* application dated April 29, 2022, submitted on behalf of applicant Sergio Gersztein (“Applicant”) and seeking discovery pursuant to 28 U.S.C. § 1782; and this Court having considered said application, including Applicant’s Memorandum of Law in support of his application requesting that this Court order the issuance of subpoenas directing HSBC Republic (A Division of HSBC Bank USA), Swiss Bank Corporation – New York Branch, UBS AG – New York Branch, Safra National Bank of New York, JP Morgan Chase Bank N.A., and Wells Fargo Bank N.A. (hereinafter the “Gerzstein Banks”) to produce certain documents for use in a civil proceeding entitled “*Gersztein, Sergio c/ Gersztein, Jorge Miguel y otros/Particion de Herencia*”, case no. 009519/2022 (the “Argentine Proceeding”) that is currently pending before the National Civil Court of First Instance No. 48 in Buenos Aires, Argentina (the “Argentine Tribunal”), the Declaration of Jeffrey M. Greilsheimer, Esq., dated April 29, 2022 and the Declaration of Francisco Nores, dated April 29, 2022; and this Court being of the opinion that execution of this Order is in accordance with 28 U.S.C. § 1782(a) and a proper exercise of its discretion;

Now, it is hereby:

ORDERED that Applicant's application pursuant to 28 U.S.C § 1782 for discovery from the Gersztein Banks is granted in its entirety; and it is further

ORDERED that subpoenas for production of documents be issued forthwith to the Gersztein Banks (collectively, the "Subpoenas") in accordance with the Federal Rules of Civil Procedure and served together with a copy of this Order, and that the Subpoenas provide for production of the following categories of documents:

1. All Account Statements associated with Jorge and Mariana, including checking, savings or otherwise;
2. With respect to each deposit into a Gersztein Bank Account, documents sufficient to determine (1) the source of such deposit (including the paying Bank, paying Entitlement Holder, paying account number); (2) the date of the deposit; (3) the value of the deposit; (4) the asset deposited;
3. With respect to each withdrawal from a Gersztein Bank Account, documents sufficient to determine: (1) the destination of the asset withdrawn (including the receiving Bank, receiving Entitlement Holder, receiving account number); (2) the date of the withdrawal; (3) the value of the withdrawal; and (4) the asset withdrawn;
4. With respect to each transfer from a Gersztein Bank Account, documents sufficient to determine: (1) the destination of the asset transferred (including the receiving Bank, receiving Entitlement Holder, receiving account number); (2) the date of the transfer; (3) the value of the transfer; and (4) the asset transferred;
5. All documents in possession of Respondent concerning the ultimate beneficial owner of the Gersztein Bank Account, including but not limited to the

following types of information: the names of Persons who at present are or were in the past authorized to give instructions in connection with the Gersztein Bank Account;

6. All documents concerning the opening or closing of any Gersztein Bank Account;

7. All documents prepared in connection with Respondent's effort to comply with any "know your client" or any similar regulations;

8. All documents and communications concerning the source of the funds or assets deposited into any Gersztein Bank Account;

9. All documents or communications referencing Sergio Gersztein;
and it is further

ORDERED, that Jeffrey M. Greilsheimer, Esq., and any other attorney admitted to practice in this District and affiliated with the law firm of Fox Horan & Camerini LLP, be appointed to issue the Subpoenas to obtain such discovery pursuant to the Federal Rules of Civil Procedure; and it is further

ORDERED, that Jeffrey M. Greilsheimer, Esq., and any other attorney admitted to practice in this District and affiliated with the law firm of Fox Horan & Camerini LLP, be appointed as examiner to obtain the requested documents pursuant to the Federal Rules of Civil Procedure; and it is further

ORDERED, that Jeffrey M. Greilsheimer, Esq., and any other attorney admitted to practice in this District and affiliated with the law firm of Fox Horan & Camerini LLP, be appointed to return to the Argentine Tribunal the documents produced pursuant to the Subpoenas, as well as any certifications of authenticity of any of the documents taken pursuant to the Subpoenas; and it is further

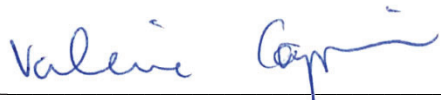
ORDERED, that this Court will retain such jurisdiction as is necessary to effectuate the terms of the Subpoenas or any additional subpoenas that may be requested or ordered for use in the Argentine Proceeding.

ORDERED, that this Order is without prejudice to the rights of any Discovery Target to file a motion to vacate or quash the subpoena. Any motion to quash or vacate must be made within 30 days of service of the subpoena and must be accompanied by a declaration that counsel for the Discovery Target has met and conferred with counsel for the Applicant regarding the Discovery Target's objections to the subpoena.

ORDERED, that the Court hereby retains jurisdiction over this matter.

The Clerk of Court is respectfully directed to terminate all open motions and to close this case.

Dated: New York, New York
May 3, 2022


UNITED STATES DISTRICT JUDGE